

**IN THE CENTRAL DISTRICT MAGISTRATE'S
COURT OF SOLOMON ISLANDS**

Criminal Jurisdiction



REGINA v MATHIAS IROMEA

Case Number : Criminal Case Nos. 379 of 2023
Date of sentence : January 25, 2024
Court : Central Magistrates' Court - Honiara
Coram : Deputy Chief Magistrate Ricky Rongomea
Counsel Name(s) : Mr. Tebakota. for Police Prosecutions
: Delilah E. Kukura for the Accused.

SENTENCE

Mathias Iromea, the charge that the Police brought against you is Domestic Violence, physical abuse, contrary to section 4 (1) (a) and section 58 of the **Family Protection Act**. It is alleged, as appear in the particulars to the charge that, you, at Betikama LDA area, Honiara, in the Guadalcanal Province, on 30th March 2023, physically abused Margret Fay by doing a conduct that caused her bodily pain to wit slapping the complainant's left and right face, using your right hand open palm. When the Complainant fell from the house to the ground, you went down and kicked the Complainant's back side and right side ribs using your right leg, which was painful to the Complainant.

On the 29th day of November 2023, this charge was read and explained to you through the arraignment conducted. You understood the charge and admitted the offence by pleading guilty to the charge. The plea was confirmed by your Lawyer to be consistent with her instructions. The Court then recorded your plea as 'guilty'.

The facts that were agreed on your behalf by your Lawyer and the Police Prosecutor are as follows:

1. That you are 48 years old from High Hill village, West Kwara'ae, Malaita Province and currently residing at Betikama LDA area.
2. The Complainant Margret Fay is 31 years old from Fouabu village, Malaita Province.
3. You are related to the Complainant as her brother.
4. The incident occurred on 30th of March 2023 at around 3 pm at LDA area.
5. The Complainant and her sister in-laws and their husbands went to the Complainant's resident and intended to dismantle her permanent house.
6. While they were in the process of dismantling the house, you arrived at the location and had an argument with your sister.
7. The Complainant grabbed a piece of timber and hit your left leg.

6. While they were in the process of dismantling the house, you arrived at the location and had an argument with your sister.
7. The Complainant grabbed a piece of timber and hit your left leg.
8. You then pushed her and she fell onto the ground and you slapped her and kicked her on the back.
9. You were arrested and was charged with the offence of domestic violence contrary to section 4 (1) (a) of the Penal Code.
10. You were drunk at that time of the offending.

Clearly, there is variance between the charge and the evidence (facts as agreed). Thus, an amended charge was filed yesterday to reflect the evidence (agreed facts). Just minutes ago, you were re-arraigned on that amended charge and you maintained your earlier plea and pleaded guilty.

The facts agreed, are the facts that constitute your offending. Having satisfied of the facts and on the basis of your own guilty plea, I find you guilty and enter conviction against you on the charge.

Maximum penalty

The passing of the Family Protection Act was a legislative response to the rise of domestic violence in this Country. The maximum penalty provided for this offence is a fine of 30,000 penalty units or imprisonment for 3 years or both. That clearly shows how serious Parliament looked at this type of criminal conduct.

The aggravating factors

The feature that aggravates your offending is the fact you physically abused your sister by way of at least three different acts in particular, you pushed her, slapped her and kicked her back. You continued the assault even when she was on the ground and could not properly in a better position to defend herself. She could not repel your slap and kick because she is a weaker person compared to you. It was fortunate for her, as I assume from the silence in the agreed facts as to any injury, that no injury was sustained apart from the pain experienced at that time of assault.

This is a case where rage had taken over you. When one find himself in an anger situation, the best way is to control one's temper because once one lands a slap, punch or a kick on another, there is no way one can take that back. The consequences that might follow might be serious and undesirable. Not only on oneself but those who depend on him.

Deterrence

The principle of deterrence is an important consideration in this case, as is always, in cases of similar nature. The Court cannot condone violent conduct against another family member or anyone for that matter.

Mitigation

The mitigating factors in this case are your plea of guilty entered early and you are a first time offender. The plea saves the Court's time in that there is no need to inquire into the allegation by way of a trial. For the past 48 years, you have been a law abiding citizen until you committed this present offence and now convicted by this Court.

Personal circumstances

In terms of your personal background, you are self-employed. Married with four children. Two of the children are living with you. There is no doubt that they had been affected and continue to be impacted as a result of your absence through incarceration from them and not being able to support them when they need your support.

Sentence orders

The appropriate starting point in my view is six (6) months imprisonment.

An uplift of two months for the aggravating factors is appropriate in my view. To allow for the mitigating factors, one month is deducted.

The total effective sentence to be served prison is 7 months imprisonment. This sentence, in my considered view, sufficiently reflect the need for punishment and deterrence.

The sentence is backdated to commence on when the accused was first remanded in custody.

The Court.


Ricky Rongomea - DCM